

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Application of:

Engstrom

Application No. 09/690,692

Filed: 10/16/2000

For: M&A for People to Simply
Communicating Their Location and
Activity

Examiner: El Chanti, Hussein A.

Art Unit: 2157

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450 on this date: 9/15/04

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Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

SEP 24 2004

Technology Center 2100

Declaration of Witness Pursuant to 37 CFR §1.131

Sir:

I, Al AuYeung, hereby declare that:

1. I am a citizen of the United States of America, and currently a resident of the State of Oregon, residing in or around the greater Portland, metropolitan area.
2. I am admitted to practice law in the States of California, Oregon and Washington, and I am also admitted to practice before the Patent and Trademark Office (Registration number 35432). I'm a member of good understanding of each of the aforementioned bars.
3. I was the inventor's patent counsel during the entire relevant period, that is, starting no later than March 7, 2000, and continuing till at least the filing of the captioned application.
4. To the best of my recollection, and as refreshed by the specification, the claims as they are currently pending, and the enclosed memorandum to file dated

March 7, 2000, summarizing the subject matters of the invention disclosure meeting I have with the inventor no later than March 7, 2000, I declare that each of the subject matters was given a short easy to remember "title", and a very short description of what was disclosed to me in the meeting. The subject matter of the present application, for ease to remember, was given the short titles of "Communication – Parent button" (Item 9), "Communication – I'm here button" (item 10) and "Communication + Heart Rate Monitor" (item 12) at the time, including in particular the concepts of

a mobile client device, on behalf of a user, submitting an identity of the user to a messaging service, including a current location of the user;
the messaging service, in response, selecting a recipient remotely disposed from the mobile client device and the messaging service to receive the user's current location for information purpose, based at least in part on the identity of the user; and
transmitting the user's current location to the selected recipient.


5. I additionally declare that the inventor was diligent working with me since that time, in getting letter patent applications prepared for the subject matters disclosed in the meeting in the ensuing months, as evident by an annotated version of the March 7, 2000 memo, updated with the application/patent numbers and filing dates, including in particular, the subject patent application, filed on 10/16/2000.

- I prepared, and the inventor reviewed and commented on, at least two drafts (initial and second) for each of disclosures #1, #2 and #3, a total of at least six drafts, during the later part of March 2000 and the earlier part of April 2000 (an approximately 4 weeks period), leading to their filings as U.S. Patent Applications number 09/558,942 and 09/558,940 on April 26, 2000, and 09/553,068 on April 20, 2000, respectively.
- The '942 application, as filed, contained 13 pages of 2,345 words (including 17 claims), and 1 figure.
- The '940 application, as filed, contained 11 pages of 1,894 words (including 14 claims), and 1 figure.

- The '068 application as filed, contained 34 pages of 7,135 words (including 60 claims), and 5 figures.
- I prepared, and the inventor reviewed and commented on, at least two drafts (initial and second), for each of disclosures #8, #9 and #10 combined, and #12 (a total of at least six drafts), during the months of May through September 2000 and the first half of October, 2000 (an approximately 15 weeks period), leading to their filings as U.S. Patent Applications number 09/690,696 on October 15, 2000, and 09/690,692 and 09/690,679 on October 16, 2000, respectively.
- The '696 application, as filed, contained 27 pages of 6,787 words (including 25 claims), and 14 figures.
- The '682 application, as filed, contained 29 pages of 6,558 words (including 30 claims), and 11 figure.
- The '679 application as filed, contained 18 pages of 4,471 words (including 20 claims), and 7 figures.
- In summary, during the relevant 19 weeks period, I prepared, and the inventor reviewed and commented on, an average of more than 20 pages of more than 4,000 words (including more than 20 claims) per week, to make possible the total finished output of more than 130 pages of more than 29,000 words (including more than 165 claims), and 39 figures.

I further declare that all statements made herein of our own individual knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the above-identified patent application or any patent issued thereon.

Executed by and on the date(s) as set forth below:

By: 
Al AuYeung

Date: 9/15/04

Date: March 7, 2000

Confidential

To: File

From: ATA

Subject: Wildseed patent disclosures

1. Stock option grant (employee) Filed 4/26/00, S/N 09/558,942

Background – Companies, especially Start-Ups, grant stock options as part of the compensation package to attract and retain employees. Typical options are granted with an option price and vesting period. Because of potential windfall from up swings, companies are reluctant to grant employee leave of absence. Employees are left with the position of either forgetting about leave of absence or giving up the option.

Invention – A stock option grant that adjust at least the exercise price to reflect time off. One adjustment proportionally to price change. Another adjustment may be sliding the vesting period.

2. Stock option grant (inventor) Filed 4/26/00, S/N 09/558,940

Background – Inventor currently either has to fund the development of their own invention, either through own money, VC fund and the like. Thus, a price need to be negotiated. Inventor are also may be given founding stocks. To encourage large volume “assignment” of inventions -

Invention –Grant inventor stock option at filing, and grant additional stocks at issuance.

3. E-Commerce credit card per site Filed 4/20/00, S/N 09/553,068

Background – Internet lead to explosion in e-commerce. On-line users insecure about their credit card, desire anonymity.

Invention – service, assign a credit card for each site, make transaction for user; payment from user may be in advance (debit), in real time (credit card transaction), and subsequent (via invoicing).

4. E-Commerce unique distribution address Filed 5/31/01; S/N 09/872,293

Background – Internet lead to explosion in e-commerce. On-line users desire anonymity.

Invention – service, assign intermediate delivery address for user, “notify” delivery company to switch ultimate destination, in transit, or pre-notification, and delivery company automatically switches label.

5. E-Commerce – multiple personality Filed 3/26/01, S/N 09/817,837

Background – Internet user now required to file out personality question each site they wish to engage in e-commerce.

Invention – service, facilitate user to create profile for different personality or anonymity. Assist user in selecting and submit different personality/anonymity to different e-commerce site.

6. Personal Communication – multiple personality Combined with item 5

Background – Internet user now participate in different chat group, instant messaging group etc.

Invention – service, facilitate user to create profile for different personality or anonymity. Assist user in selecting and submit different personality/anonymity to different chat group, instant messaging group etc.

7. Electronic Calendar – Management by slot by user Filed 5/31/01, S/N 09/872,686

Background – Prior art calendar allows authorization of other users to read/write on an entire calendar basis. Some allow events to be marked as private, and thereby not readable. Finer control granularity desired.

Invention – service, facilitate user in authorizing read/write of calendar by timeslots by user groups”, e.g. teacher – school hours, social friends – fri/sat night, study pals – sun night, etc.

8. Communication – Taxi button Filed 10/15/00, S/N 09/690,696

Background – cell phone getting more popular, need taxi company number to call a cab.

Invention – a taxi button on a phone (GPS equipped), plus service, receive request, send cab, confirm, charge caller.

Note: deal with transitional devices with web capability as well as one dedicated button.

9. Communication – Parent button Filed 10/16/00, S/N 09/690,692

Background – cell phone getting more popular among teens, parent wants to be notified

Invention – a parent button on a phone (GPS equipped), plus service, receive request, send location, plus map etc. to parent

Note: deal with transitional devices with web capability as well as one dedicated button.

10. Communication – I’m here button Combined with Item 9

Background – cell phone getting more popular, users often have to call people they are to meet and ask “where are you”

Invention – an “I’m here” button on a phone (GPS equipped), plus service, receive request, send location, plus map etc. to designated recipient

Note: deal with transitional devices with web capability as well as one dedicated button.

11. Communication – Owner voice based “activity” indicator Filed 5/31/01, S/N 09/872,144

Background – currently most log-in session (such as ISP) requires continuous activity or auto log off after a period;

Invention – set up owner voice, monitor for owner voice, as long as owner voice is recognized, simulate activities to maintain log in

12. Communication – Phone + heart monitor *Filed 10/16/00, S/N 09/690,679, now USP 6,549,756*

Background – cell phone increasingly popular, everyone has a phone, with plenty of processing power, idle all the time;

Invention – include a heart monitor in cell phone, display heart rate ...

13. Email – Expanded Addressee Sort *Filed 2/28/01, S/N 09/796,767*

Background – Today's email sort on first addressee only, difficult to find email to others not in first position.

Invention – index email by all addresses, upon request to sort, sort by first, upon further request, expand list to include others with addressee but not in first position.

14 Email – Expanded Header *Combined with item 13*

Background – Today's email sort on first addressee only;

Invention – expand email header, allow dynamic addition of header field (preferably XML data (self-defining)), support sort on all dynamically defined fields.

15 Email – One click direction *Filed 5/31/01, S/N 09/872,107*

Background – Repeated typing of giving direction

Invention – set up multiple set of direction instructions, one click insertion button

16 Email – Auto expiration *Combined with item 17*

Background – highly sensitive emails, no way to protect their privacy

Invention – email broken into different pieces, encrypted, held at different server; also read only (never place in local store), as well as read once only

17. Email – High Security *Filed 2/28/01, S/N 09/796,768*

Background – today's email lack security

Invention – require re-login to reconfirm user before displaying email.